

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**HILDA MARTIN,**

*Plaintiff*

**v.**

**CRESTLINE HOTELS &  
RESORTS, LLC,**

*Defendant*

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**CIVIL NO. A-19-CV-00470-LY**

**ORDER**

Before the Court is Williamson County and Cities Health District (“District”) Objection to Production, Deposition by Written Questions, and Motion for Protection, filed November 13, 2019 (Dkt. No. 16). Plaintiff has not filed a response to the motion. On November 14, 2019, the District Court referred the above motion to the undersigned Magistrate Judge for resolution pursuant to 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72, and Rule 1 of Appendix C of the Local Rules of the United States District Court for the Western District of Texas (“Local Rules”).

On November 1, 2019, Plaintiff Hilda Martin, by and through her attorney of record, R. Blake Brunkenhoefer, issued a subpoena to the District and Questions to be Propounded to the Witness, the Custodian of Records for: Williamson County and Cities Health District, Joseph M. Marcus. Specifically, the subpoena commands the District to produce records “pertaining to Crestline Hotels & Resorts, LLC d/b/a Springhill Suites Austin Round Rock located at 2960 Hoppe Trail, Round Rock, Texas 78681, from January 1, 2017, through December 31, 2017.” Exh. 1 to Dkt. No. 16.

On November 13, 2019, the District filed the instant objection to the discovery requests pursuant to Federal Rule of Civil Procedure 45. FED. R. CIV. P. 45(d)(3)(iv) and 45(e)(2). The

District argues that the requested documents are confidential public health records under Texas Health and Safety Code §81.046. The District also argues that the requested documents are protected by the attorney-client privilege. Thus, the District seeks to quash the subpoena and also seeks sanctions against Plaintiff in the form of attorney's fees.

As noted above, Plaintiff failed to timely respond to the District's Motion. Pursuant to Local Rule CV-7(e)(2), if there is no response filed within the time period prescribed by the rules, the court may grant the motion as unopposed. *See* Local Court Rule CV-7(e)(2) (stating that responses to non-dispositive motions are due within 7 days after the filing of the motion).

Accordingly, the Court **GRANTS** the District's Motion to Quash the discovery requests (Dkt. No. 16) as unopposed pursuant to Local Rule CV-7(e)(2). However, the Court declines to sanction Plaintiff in the form of awarding attorney's fees at this time.

**IT IS FURTHER ORDERED** that that the Clerk remove this case from the Magistrate Court's docket and **RETURN** it to the docket of the Honorable Lee Yeakel.

**SIGNED** on November 22, 2019.

  
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SUSAN HIGHTOWER  
UNITED STATES MAGISTRATE JUDGE